

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boggs et al. Group Art Unit: 3762
 Serial No: 10/662,055 Examiner: K. Schaetzle
 Filed: 12 September 2003
 For: Systems and Methods for Stimulating Components In, On, or Near the Pudendal Nerve or its Branches to Achieve Selective Physiologic Responses

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE
 OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

- NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).
- NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
 DISCLOSURE STATEMENT

- The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:

- a final action under § 1.113 or
- a notice of allowance under § 1.311, whichever occurs first.

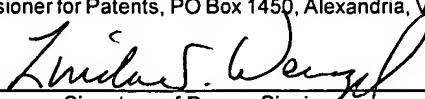
CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed as follows: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 24 October 2005

10/27/2005 WASFAW1 00000046 10662055

02 FC:1806

180.00 OP


 Signature of Person Signing

Linda S. Wenzel
 Type or Print Name of Person Signing

CERTIFICATION OR FEE

2. Accompanying this transmittal is
(check either A or B below)
A. ☐ a certification as specified in 37 CFR 1.97(e)
OR
B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c) (\$180.00).

Fee due \$ 180.00

METHOD OF PAYMENT OF FEE

4. ☒ Attached is check in the amount of \$ 180.00
☐ Charge Account No. in the amount of \$
A duplicate of this request is attached.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

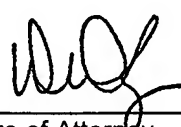
COPIES OF THE DOCUMENTS LISTED WITH AN ASTERISK (*) ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 10/113,828 FILED 29 MARCH 2002 (NOW U.S. PATENT NO. 6,907,293) AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.

If any additional fees are due, please charge Account No. 06-2360.

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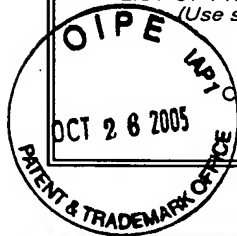
Signature of Attorney
Daniel D. Ryan

Type or Print Name of Attorney of Record
RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226-0618

Mailing Address of Sender

LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 9469.18443	SERIAL NO. 10/662,055
	APPLICANT Boggs et al.	
	FILING DATE 12 September 2003	GROUP 3762

CUSTOMER NO. 26308



U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,907,293	06/2005	Grill et al.			
	6,941,171	09/2005	Mann et al.			
	3,727,616 *	04/1973	Lenzkes			
	3,941,136 *	03/1976	Bucalo			
	4,406,288 *	09/1983	Horwinski et al.			
	4,607,639	08/1986	Tanagho et al.			
	4,703,755 *	11/1987	Tanagho et al.			
	4,771,779 *	09/1988	Tanagho et al.			
	5,454,840 *	10/1995	Krakovsky et al.			
	5,984,854 *	11/1999	Ishikawa et al.			
	6,061,596 *	05/2000	Richmond et al.			
	6,266,557 *	07/2001	Roe et al.			
	6,432,037 *	08/2002	Eini et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


		McNeal, D.R., B.R. Bowman (1985) Selective activation of muscles using peripheral nerve electrodes. Med. and Biol. Eng. and Comp. 23:249-253. *
		Starbuck, D.L., (1965) Myo-electric control of paralyzed muscles. IEEE Transactions on Biomedical Engineering, 12(3):169-172, Jul.-Oct. *
		Starbuck, D.L., Mortimer, J.T., Sheally C.N., Reswick, J.B. (1966) An implantable electrodes system for nerve stimulation, Proc. 19th Ann. Conf. on Eng. in Med. and Biol. 8:38. Sweeney, J.D., D.A. Ksienski, T.J. Mortimer (1990) A nerve cuff technique for selective excitation of peripheral nerve trunk regions, IEEE Trans. Biomed. Eng. 37:706-715. *

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through and not considered. Include copy of this of with next communication to applicant.
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U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,505,074 *	01/2003	Boveja et al.			
	6,650,943 *	11/2003	Whitehurst et al.			
	6,652,449 *	11/2003	Gross et al.			
	6,735,474 *	05/2004	Loeb et al.			
	6,836,684 *	12/2004	Rijkhoff et al.			
	2002/0055761 *	05/2002	Mann et al.			
	2002/0055779 *	05/2002	Andrews			
	2003/0018365 *	01/2003	Loeb			
	2003/0100930 *	05/2003	Cohen et al.			
	2003/0114905 *	06/2003	Kuzma			
	2004/0030360 *	02/2004	Eini et al.			

FOREIGN PATENT DOCUMENTS

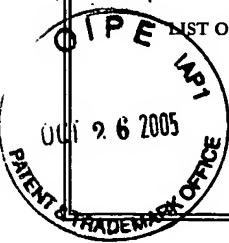
DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		Grill, W.M., J.T. Mortimer (1996) Quantification of recruitment properties of multiple contact cuff electrodes, IEEE Transactions on Rehabilitation Engineering 4(2):49-62. *
		Veraart, C., W.M. Grill, J.T. Mortimer (1993) Selective control of muscle activation with a multipolar nerve cuff electrode, IEEE Trans. Biomed. Engineering 40:640-653. *
		Caldwell, C. (1971) Multielectrode Electrical Stimulation of Nerve in Development of Orthotic Systems using Functional Electrical Stimulation and Myoelectric Control, Final Report Project # 19-P-58391-F-01, University of Lubljana, Faculty of Electrical Engineering, Lubljana, Yugoslavia. *
		McNeal, D.R. (1974) Selective stimulation in Annual reports of Progress, Rehabilitation Engineering Center, Rancho Los Amigos Hospital, Downey, CA, pp. 24-25. *

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U.S. PATENT DOCUMENTS

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	2004/0093093 *	05/2004	Andrews			
	2004/0111126 *	06/2004	Tanagho et al.			
	2004/0162594 *	08/2004	King			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Wheeler et al.; "Bladder inhibition by penile nerve stimulation in spinal cord injury patients"; J Urol. Jan. 1992; 147(1):100-3. *
			Wheeler et al.; "Management of incontinent SCI patents with penile stimulation; preliminary results", J Am Paraplegia Soc. Apr. 1994; 17(2):55-0. *
			Grill, W.M., (2001) "Selective Activation of the Nervous System for Motor System Neural Prostheses", in Intelligent Systems and Technologies in Rehabilitation Engineering, H.-N.L. Teodorescu, L.C. Jain, Eds., CRC Press, 211-241. *

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